

Kelley	Roberts
Latimer	Rogers
Lock	of Childress
Martin	Rogers of Travis
McDonald	Secrest
Moffett	Shireman
Moore	Strauss
Owen	Wagonseller
Phillips	Weinert
Ratliff	Willis

Absent

Fuller	Parkhouse
Lane	

Absent—Excused

Hazlewood

Motion to Place House Concurrent Resolution 91 on Second Reading

Senator Martin asked unanimous consent to suspend the regular order of business and take up H. C. R. No. 91 for consideration at this time.

There was objection.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 21, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 268 by vote of 122 ayes, 4 noes.

The House has concurred in Senate amendments to House Bill No. 475 by vote of 125 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 539 by vote of 130 ayes, 1 no.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Adjournment

On motion of Senator Weinert, the Senate at 1:30 o'clock p. m., adjourned until 10:00 o'clock a. m. on Monday, April 25, 1955.

Record of Votes

Senators Phillips and Willis asked to be recorded as voting "nay" on the motion to adjourn.

FIFTY-FIRST DAY

(Monday, April 25, 1955)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Martin	Wagonseller
McDonald	Weinert
Moffett	Willis

Absent—Excused

Fly

Lock

A quorum was announced present.

The Reverend Wm. H. Dickinson, Associate Pastor of Highland Park Methodist Church of Dallas and Chaplain of the 36th Infantry Division, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 21, 1955, were dispensed with and the Journal was approved.

Leaves of Absence

Senator Fly was granted leave of absence for today on account of important business on motion of Senator Roberts.

Senator Lock was granted leave of absence for today and the remainder of the week on account of important business on motion of Senator Aikin.

Senate Resolution 267

Senator Lane offered the following resolution:

Whereas, We are honored today to have in the gallery thirty students from the American History and Civics Class of the Beckville High School, Beckville, Texas, accompanied by Mr. J. N. Canter, Mr. J. W. Walters, Miss Norma Meador and Mrs. Roy Vise; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Lane, by unanimous consent, presented the students and the teachers and sponsors to the Members of the Senate.

Reports of Standing Committees

Senator Shireman submitted the following report:

Austin, Texas,
April 25, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 244, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIREMAN, Chairman.

Senator Secrest submitted the following report:

Austin, Texas,
April 21, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred H. B. No. 80, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SECREST, Chairman.

Senator Strauss submitted the following report:

Austin, Texas,
April 25, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was

referred H. J. R. No. 9, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STRAUSS, Chairman.

Senate Resolution 268

Senator Aikin offered the following resolution:

Whereas, Mr. and Mrs. M. D. Morphew of Paris are visitors at the Capitol today; and

Whereas, The Senate is delighted to have these fine citizens as our guests; now, therefore, be it

Resolved, That Mr. and Mrs. Morphew be extended the privileges of the floor for today.

The resolution was read and was adopted.

Senator Aikin, by unanimous consent, presented Mr. and Mrs. Morphew, the father and mother of Mrs. Aikin, to the Members of the Senate.

Senate Resolution 269

Senator Willis offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Howard Fender, District Attorney of Tarrant County; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate and the privileges of the Senate floor for this day.

The resolution was read and was adopted.

Senator Willis, by unanimous consent, presented Mr. Fender to the Members of the Senate.

Senate Concurrent Resolution 46

Senator Bracewell offered the following resolution:

S. C. R. No. 46, Requesting Governor to appoint the Harris County Home Rule Commission.

Whereas, The fundamental concept of government in this State is that local self-government is most responsive to the will of the people and re-

sults in greater economy and efficiency in governmental affairs, and

Whereas, The development of great metropolitan areas in this State has created an urgent need for the co-ordination and integration of city and county governments in so far as is practicable, and

Whereas, Harris County has a population in excess of one million inhabitants, and all available predictions indicate that Harris County will increase in population tremendously during the next decade, and

Whereas, Many of the functions and duties performed by the officials of Harris County and the other political subdivisions located therein are duplications of work and effort, resulting in needless expense of the taxpayers' monies, and

Whereas, The present Constitution and statutes which seek to provide for the merger of city and county governments are conflicting, contradictory and unworkable; now, therefore, be it

Resolved, That the Governor of the State of Texas appoint from the residents of Harris County a twenty-five (25) member commission, to be known as the Harris County Home Rule Commission, to study the feasibility of enacting the necessary constitutional amendments and implementing statutes authorizing the consolidation of functions of governmental units in Harris County;

That such commission be composed of qualified property taxpaying voters who are representative of the entire county as well as being familiar with the problems of city and county government;

That the members of such commission shall select from their membership a chairman, secretary and treasurer and adopt such rules of procedure as they may deem necessary, and shall receive no compensation for their services;

That such commission shall have authority to accept grants and donations of money from any private person, partnership, corporation, joint stock company, foundation, estate or anyone else for financing its study program and may employ a staff where the budget so permits, all the monies donated to said commission shall be deposited in some responsible bank in Harris County, Texas, and no monies shall be disbursed from said funds except on checks signed by the chairman of the commission and

countersigned by the treasurer thereof; provided however, that neither the credit nor revenues of this State shall be pledged or expended by this Commission;

That such commission shall report to the next regular session of the Legislature, making recommendations as to how the purposes of this resolution can best be accomplished.

The resolution was read.

On motion of Senator Bracewell and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 47

Senator Kelley offered the following resolution:

S. C. R. No. 47, Requesting Legislative Council to study laws relating to status of women and their rights and privileges.

Whereas, Development of laws pertaining to women in Texas and the United States has been toward removal of barriers to women's participation in the functions of government and the exercise of individual freedoms by married women; and

Whereas, Texas citizens overwhelmingly adopted the Constitutional Amendment proposed by the Fifty-third Legislature permitting and requiring women to serve on juries; and

Whereas, The inspiring purpose of these changes is the cumulative effort toward the near goal of women's complete emancipation from the handicaps of obsolete laws in recognition of the share of women in the guarantee of freedoms and privileges accorded all persons under the domain of Federal and State governments and the social and economic changes which have brought women near equal standing with men in industry and commerce; and

Whereas, The remaining restrictive provisions of Texas law pertaining to the rights, privileges and duties of women relate to civil rights of property and contract of married women such as the limitations on a wife's right to dispose of separate real property and to transfer stocks and bonds and her inability to independently maintain a cause of action involving her interest in community property; and

Whereas, These and other limitations are contrary to the developments of law in this field, inconsistent

with the economic necessities of modern living and result in many instances of injustice; now therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the Texas Legislative Council is requested to study the Constitution and Laws of this State relating to the status of women and their rights and privileges with particular attention to disabilities arising from women's marital status, and to report its findings and recommendations to the Fifty-fifth Legislature.

The resolution was read.

On motion of Senator Kelley, and by unanimous consent, the resolution was considered immediately and was adopted.

Record of Vote

Senator Hardeman asked to be recorded as voting "nay" on the adoption of the above resolution.

Senate Resolution 271

Senator Latimer offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, Lt. Colonel Robert E. Kelly, U. S. Marine Corps, presently stationed with the Navy, Bureau of Aeronautics, Washington, D. C. as project engineer for the Sikorsky Model XHR2S-1 helicopter; and

Whereas, Colonel Kelly has been stationed at the following places:

October 1942 to September 1943—With the First Marine Aircraft Wing at Guadalcanal as Dive Bomber Pilot,

January 1945 to September 1945—With the 4th Marine Aircraft Wing in the Marshall Islands as a fighter pilot,

November 1945 to January 1946—With the Occupation Troops in Japan,

September 1951 to May 1952—With Marine Helicopter Squadron 161, the first assault squadron in Korea; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate and privileges of the floor for the day.

The resolution was read and was adopted.

Senator Latimer, by unanimous consent, presented Colonel Kelly to the Members of the Senate.

Senate Bill 382 on Second Reading

Senator Weinert asked unanimous consent to suspend the regular order of business to take up S. B. No. 382 for consideration at this time.

There was objection.

Senator Weinert then moved to suspend the regular order of business to take up S. B. No. 382 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fuller	Roberts
Kazen	Rogers
Kelley	of Childress
Lane	Rogers of Travis
Latimer	Secrest
Martin	Strauss
McDonald	Weinert
Moffett	Willis

Nays—3

Aikin	Shireman
Hardeman	

Absent

Hazlewood	Wagonseller
Ratliff	

Absent—Excused

Fly	Lock
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The President laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 382, A bill to be entitled "An Act making permanent the additional District Court in and for Gonzales, Colorado, Lavaca, and Guadalupe Counties existing by virtue of Acts 1954, Fifty-third Legislature, First Called Session, Chapter 54, p. 118; providing that such court shall be known as the Second 25th Judicial District Court; providing for a clerk; fixing the terms of said court; providing for the transfer of cases; providing for a District Judge; providing for appointment of a court reporter; providing that such court shall not be subject to the jury wheel in the selection of jurors; repealing laws in conflict; providing a sever-

ability clause; and declaring an emergency."

The bill was read second time.

Senator Weinert offered the following committee amendment to the bill:

Amend S. B. No. 382 by striking out Sec. 8 thereof and inserting in lieu thereof the following:

"Section 8. Qualified jurors for service in both the said 25th Judicial District Court and the said Second 25th Judicial District Court in the counties of Gonzales, Guadalupe, Colorado and Lavaca, Texas, shall be selected by Jury Commissioners in accordance with the provisions of Article 2104 of the Revised Civil Statutes of Texas, as amended, and succeeding Articles; and the provisions of Senate Bill No. 466, Chapter 467, Acts of the 51st Legislature of Texas (Article 2094, Revised Civil Statutes of Texas, as amended) or any other law providing for the selection of petit jurors by the jury wheel method shall not apply in said District Courts in said counties.

Jurors selected by Jury Commissioners as hereinabove provided for may be summoned and used for the trial of civil and criminal cases interchangeably in either of said Courts."

The amendment was adopted.

On motion of Senator Weinert and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 382 on Third Reading

Senator Weinert moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 382 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Latimer
Ashley	Martin
Bracewell	McDonald
Colson	Moffett
Corbin	Moore
Fuller	Owen
Hazlewood	Parkhouse
Kazen	Phillips
Kelley	Ratliff
Lane	Roberts

Rogers	Strauss
of Childress	Weinert
Rogers of Travis	Willis
Secrest	

Nays—2

Hardeman	Shireman
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Absent

Wagonseller

Absent—Excused

Fly

Lock

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Shireman, Hardeman and Lane asked to be recorded as voting "nay" on the final passage of S. B. No. 382.

Senate Resolution 272

Senator Hardeman offered the following resolution:

Whereas, We are honored today by the presence of Lt. Carlos Ashley, Jr., of the United States Air Force; and

Whereas, He is the son of our able colleague, Hon. Carlos Ashley and Mrs. Ashley; and

Whereas, It is the desire of the Senate to extend this fine young man a hearty welcome and the courtesies of the floor today; now, therefore, be it

Resolved, by the Senate of Texas, that Lt. Carlos Ashley, Jr., be and he is hereby welcomed to this body and that he be extended the courtesies of the floor today.

HARDEMAN
LANE

The resolution was read and was adopted.

Senator Hardeman by unanimous consent presented Lieutenant Ashley to the Members of the Senate.

Senate Bill 392 on Second Reading

Senator Kelley asked unanimous consent to suspend the regular order of business to take up S. B. No. 392, for consideration at this time.

There was objection.

Senator Kelley then moved to sus-

pend the regular order of business to take up S. B. No. 392 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fuller	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Strauss
McDonald	Weinert
Moffett	Willis
Moore	

Nays—4

Aikin	Martin
Hardeman	Shireman

Absent

Wagonseller

Absent—Excused

Fly	Lock
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The President laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 392, A bill to be entitled "An Act making permanent the Special 138th District Court and the Special 139th District Court created by Chapter 57, Acts of the 53rd Legislature, First Called Session, such permanent courts to be known as the 138th District Court and the 139th District Court; repealing Section 3 of Article III and amending Articles I and II and portions of Article III of Chapter 57, Acts of the 53rd Legislature, First Called Session, 1954, to accomplish the above change; providing for the selection and tenure of the judges of these permanent district courts and for payment of their salaries and expenses; providing for severability; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

Senate Bill 392 on Third Reading

Senator Kelley moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 392 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fuller	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Strauss
McDonald	Weinert
Moffett	Willis
Owen	

Nays—4

Aikin	Martin
Hardeman	Shireman

Absent

Ashley	Wagonseller
Moore	

Absent—Excused

Fly	Lock
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fuller	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Secrest
McDonald	Strauss
Moffett	Weinert
Moore	Willis
Owen	

Nays—5

Aikin	Martin
Hardeman	Shireman
Lane	

Absent

Ashley	Wagonseller
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Absent—Excused

Fly	Lock
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Senate Bill 236 on Second Reading

Senator Bracewell asked unanimous consent to suspend the regular

order of business to take up S. B. No. 236 for consideration at this time.

There was objection.

Senator Bracewell then moved to suspend the regular order of business to take up S. B. No. 236 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Ashley	Moffett
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fuller	Ratliff
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Strauss
Lane	Weinert
Latimer	Willis
McDonald	

Nays—5

Aikin	Roberts
Hardeman	Shireman
Martin	

Absent

Moore	Wagonseller
Rogers	
of Childress	

Absent—Excused

Fly	Lock
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The President laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 236, A bill to be entitled "An Act making the 151st and the 152nd District Courts created by the provisions of Senate Bill 50, Acts of the 53rd Legislature, First Called Session, 1954, Chapter 56, composed of Harris County, permanent district courts; describing the jurisdiction and terms of said Courts; providing for the appointment, election and compensation of the judges of said Courts; amending Senate Bill 50, Acts of the 53rd Legislature, First Called Session, 1954, Chapter 56; providing a repealing clause; providing a severability clause; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

Senate Bill 236 on Third Reading

Senator Bracewell moved that Sen-

ate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 236 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fuller	Ratliff
Hazlewood	Roberts
Kazen	Rogers
Kelley	of Childress
Lane	Rogers of Travis
Latimer	Secrest
Martin	Strauss
McDonald	Weinert
Moffett	Willis
Moore	

Nays—3

Aikin	Shireman
Hardeman	

Absent

Ashley	Wagonseller
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Absent—Excused

Fly	Lock
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Hardeman, Shireman and Lane asked to be recorded as voting "Nay" on the final passage of S. B. No. 236.

Leave of Absence

Senator Ashley was granted leave of absence for the remainder of the day on account of important business on motion of Senator Kazen.

Senate Bill 273 on Second Reading

Senator Colson moved to suspend the regular order of business to take up Senate Bill No. 273 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Bracewell	Corbin
Colson	Fuller

Hazlewood	Phillips
Kazen	Roberts
Kelley	Rogers
Lane	of Childress
Latimer	Rogers of Travis
McDonald	Secrest
Moffett	Strauss
Moore	Weinert
Owen	Willis
Parkhouse	

Nays—4

Aikin	Martin
Hardeman	Shireman

Absent

Ratliff	Wagonseller
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Absent—Excused

Ashley	Lock
Fly	

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 273, A bill to be entitled "An Act abolishing the Special Ninth Judicial District Court of Texas, composed of Montgomery, Polk, San Jacinto and Trinity Counties; providing for the creation of a permanent Judicial District Court to be known as the Second Ninth Judicial District Court of Texas, composed of Montgomery, Polk, San Jacinto and Trinity Counties; etc.; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

Senate Bill 273 on Third Reading

Senator Colson moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 273 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fuller	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Strauss
McDonald	Weinert
Moffett	Willis
Moore	

Nays—4

Aikin	Martin
Hardeman	Shireman

Absent

Ratliff	Wagonseller
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Absent—Excused

Ashley	Lock
Fly	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Shireman, Hardeman and Aikin asked to be recorded as voting "Nay" on the final passage of S. B. No. 273.

Senate Bill 395 on Second Reading

Senator Latimer moved to suspend the regular order of business to take up Senate Bill No. 395 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fuller	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Strauss
McDonald	Weinert
Moffett	Willis
Moore	

Nays—4

Aikin	Martin
Hardeman	Shireman

Absent

Ratliff	Wagonseller
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Absent—Excused

Ashley	Lock
Fly	

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 395, A bill to be entitled

"An Act establishing as permanent District Courts, the Special 37th District Court and the Special Criminal District Court of Bexar County, etc., and declaring an emergency."

The bill was read the second time and was passed to engrossment.

Senate Bill 395 on Third Reading

Senator Latimer moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 395 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fuller	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Strauss
McDonald	Weinert
Moffett	Willis
Moore	

Nays—4

Aikin	Martin
Hardeman	Shireman

Absent

Ratliff	Wagonseller
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Absent—Excused

Ashley	Lock
Fly	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Hardeman, Aikin and Shireman asked to be recorded as voting "nay" on the final passage of S. B. No. 395.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S. J. R. No. 5, Proposing an amend-

ment to the Constitution of the State of Texas by repealing Section 48a, Article III of the Constitution of the State of Texas, and substituting therefor a new Section 48a, authorizing needed changes in and revision of the Teacher Retirement System of Texas, providing for the necessary election, form of ballot, proclamation, and publication, and making an appropriation to defray the necessary expenses of proclamation, publication, and holding the election.

S. C. R. No. 20, Memorializing Congress relative to Federal Power Commission's authority to fix the price of gas.

S. B. No. 25, A bill to be entitled "An Act providing for the assessment and collection of a fee in divorce cases filed in counties having a population of more than 350,000 inhabitants according to the last preceding Federal Census; providing that such moneys collected shall be placed in a separate fund to be used for the purpose of helping defray the cost of maintaining the Child Support Office in the Probation Department of the county; and declaring an emergency."

S. B. No. 86, A bill to be entitled "An Act providing for the certification of teachers, the professional service and administrative personnel of the public free schools of Texas who hold a bachelor degree or better from a college or university approved for teacher education by the State Board of Education upon recommendation of the State Commissioner of Education; etc.; and declaring an emergency."

S. B. No. 112, A bill to be entitled "An Act amending Section 3 of Chapter 12, Acts of the Fifty-first Legislature, First Called Session, 1950, so as to fix the punishment for conviction of the offense described in said Chapter 12 at confinement in the penitentiary for any term not to exceed twenty-five (25) years; and declaring an emergency."

S. B. No. 154, A bill to be entitled "An Act amending Article 135b-1 of the Revised Civil Statutes of Texas to prevent fraud in the sale of agricultural insecticides and fungicides; providing for analysis by an approved commercial laboratory or the State Chemist; providing for a registration fee; providing for an ap-

propriation; providing a saving clause; and declaring an emergency."

S. B. No. 157, A bill to be entitled "An Act authorizing payment of publication costs incurred in the collection of delinquent taxes or in the satisfaction of claims or judgments in favor of the State or any county, city, school district, or other political subdivision, out of general funds of the claimant; repealing conflicting laws; and declaring an emergency."

S. B. No. 221, A bill to be entitled "An Act concerning mentally retarded persons and their diagnosis, admission, special training, education, supervision, treatment and maintenance under State auspices; giving certain duties and powers to the Board for Texas State Hospitals and Special Schools and the State Department of Public Welfare; repealing Articles 3233, 3234, 3235, 3236, 3237, 3238, 3867, 3868, 3869, 3870, 3871 of the Revised Civil Statutes of 1925; and declaring an emergency."

H. C. R. No. 70, Relative to study by the Legislative Council of the feasibility of training seeing-eye dogs by the Texas State School for the Blind.

H. C. R. No. 95, Endorsing the project of the United Daughters of the Confederacy of a proposed bust of General Jackson for the Hall of Fame.

H. C. R. No. 98, Commending Dr. Charles Christopher Cook of Cleburne, Texas, on his long and devoted service to his community.

H. B. No. 539, A bill to be entitled "An Act to enable counties having a population of 250,000 or more to establish the office of Post-Mortem Examiner; providing qualifications; providing for salaries, necessary staff and facilities; requiring death investigations and reports in certain circumstances; prohibiting removal of dead bodies in certain circumstances; providing for autopsies and disinterments in certain cases; providing for restrictions on cremations; requiring the keeping of records; vesting the powers of Justices of Peace as to death investigations in the Post-Mortem Examiner; defining penalties for violation of certain provisions of the Act; providing a severability clause; and declaring an emergency."

H. B. No. 261, A bill to be entitled

"An Act to make uniform the law of limited partnerships; relating to the creation of limited partnerships; etc., and creating an emergency."

Senate Bill 127 on Second Reading

Senator Parkhouse moved to suspend the regular order of business to take up Senate Bill No. 127 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fuller	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Strauss
McDonald	Weinert
Moffett	Willis
Moore	

Nays—4

Aikin	Martin
Hardeman	Shireman

Absent

Ratliff	Wagonseller
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Absent—Excused

Ashley	Lock
Fly	

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 127, A bill to be entitled "An Act establishing as a permanent District Court the Special Criminal District Court of Dallas County, etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 127 on Third Reading

Senator Parkhouse moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 127 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fuller	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Strauss
McDonald	Weinert
Moffett	Willis
Moore	

Nays—4

Aikin	Martin
Hardeman	Shireman

Absent

Ratliff	Wagonseller
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Absent—Excused

Ashley	Lock
Fly	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Hardeman and Shireman asked to be recorded as voting "nay" on the final passage of S. B. No. 127.

Senate Bill 318 on Second Reading

Senator Fuller moved to suspend the regular order of business to take up Senate Bill No. 318 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Bracewell	Moore
Colson	Owen
Corbin	Parkhouse
Fuller	Phillips
Hazlewood	Roberts
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Strauss
Latimer	Weinert
McDonald	Willis
Moffett	

Nays—5

Aikin	Rogers
Hardeman	of Childress
Martin	Shireman

Absent

Ratliff	Wagonseller
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Absent—Excused

Ashley	Lock
Fly	

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 318, A bill to be entitled "An Act creating an additional District Court in Jefferson County, Texas, to be known as the District Court for the 136th Judicial District, etc.; and declaring an emergency."

The bill was read second time.

Senator Fuller offered the following amendment to the bill:

Amend S. B. No. 318 by striking out Section 10 and renumbering the succeeding sections accordingly.

The amendment was adopted.

On motion of Senator Fuller, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 318 on Third Reading

Senator Fuller moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 318 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Bracewell	Moore
Colson	Owen
Corbin	Parkhouse
Fuller	Phillips
Hazlewood	Roberts
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Strauss
Latimer	Weinert
McDonald	Willis
Moffett	

Nays—5

Aikin	Rogers
Hardeman	of Childress
Martin	Shireman

Absent

Ratliff Wagonseller

Absent—Excused

Ashley Lock
Fly

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Hardeman and Shireman asked to be recorded as voting "nay" on the final passage of S. B. No. 318.

Senate Bill 371 on Second Reading

Senator Willis moved to suspend the regular order of business to take up Senate Bill No. 371 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fuller	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Strauss
McDonald	Weinert
Moffett	Willis
Moore	

Nays—4

Aikin	Martin
Hardeman	Shireman

Absent

Ratliff	Wagonseller
---------	-------------

Absent—Excused

Ashley	Lock
Fly	

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 371, A bill to be entitled "An Act creating an additional District Court in Tarrant County, Texas, to be known as the District Court for the 153rd Judicial District, etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 371 on Third Reading

Senator Willis moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 371 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fuller	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Strauss
McDonald	Weinert
Moffett	Willis
Moore	

Nays—4

Aikin	Martin
Hardeman	Shireman

Absent

Ratliff	Wagonseller
---------	-------------

Absent—Excused

Ashley	Lock
Fly	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Hardeman and Shireman asked to be recorded as voting "nay" on the final passage of S. B. No. 371.

Senate Bill 83 on Second Reading

Senator Corbin moved to suspend the regular order of business to take up Senate Bill No. 83 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Bracewell	Fuller
Colson	Hazlewood
Corbin	Kazen

Kelley	Phillips
Lane	Roberts
Latimer	Rogers
McDonald	of Childress
Moffett	Rogers of Travis
Moore	Secrest
Owen	Strauss
Parkhouse	Willis

Nays—4

Aikin	Martin
Hardeman	Shireman

Absent

Ratliff	Weinert
Wagonseller	

Absent—Excused

Ashley	Lock
Fly	

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 83, A bill to be entitled "An Act creating, as a temporary court, an additional district court for Lubbock County to be known as the District Court of the 140th Judicial District, etc.; and declaring an emergency."

The bill was read second time.

Senator Corbin offered the following amendment to the bill:

Amend S. B. 83 by striking out all of Section 11, and renumbering following sections accordingly.

The amendment was adopted.

Senator Corbin offered the following amendment to the bill:

Amend S. B. 83 by striking from Section 1 thereof the words "as a temporary court."

The amendment was adopted.

Senator Corbin offered the following amendment to the bill:

Amend S. B. No. 83 by striking out all of Section 9 and renumbering following sections accordingly.

The amendment was adopted.

On motion of Senator Corbin, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 83 on Third Reading

Senator Corbin moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 83 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—19

Bracewell	Moore
Colson	Owen
Corbin	Parkhouse
Fuller	Phillips
Hazlewood	Roberts
Kazen	Rogers
Lane	of Childress
Latimer	Secrest
McDonald	Strauss
Moffett	Willis

Nays—4

Aikin	Martin
Hardeman	Shireman

Absent

Kelley	Wagonseller
Ratliff	Weinert
Rogers of Travis	

Absent—Excused

Ashley	Lock
Fly	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Hardeman and Shireman asked to be recorded as voting "nay" on the final passage of S. B. No. 83.

(President Pro Tempore in the Chair.)

Senate Bill 173 on Second Reading

Senator Owen moved to suspend the regular order of business to take up Senate Bill No. 173 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Bracewell	Fuller
Colson	Hazlewood
Corbin	Kazen

Kelley	Roberts
Lane	Rogers
Latimer	of Childress
McDonald	Rogers of Travis
Moffett	Secrest
Moore	Strauss
Owen	Wagonseller
Parkhouse	Weinert
Phillips	Willis
Ratliff	

Nays—4

Aikin	Martin
Hardeman	Shireman

Absent—Excused

Ashley	Lock
Fly	

The President Pro Tempore then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 173, A bill to be entitled "An Act creating the 142nd District Court for Midland County, prescribing the jurisdiction in terms of such Court, providing for the appointment, election and compensation of the Judge of said Court, making the Special District Court of Midland County a permanent District Court to be known as the 142nd District Court, amending Senate Bill 49, Acts of the 53rd Legislature, First Called Session, 1954, Chapter 55; providing a repealing clause; providing a severability clause; and declaring an emergency."

The bill was read second time.

Question—Shall S. B. No. 173 be passed to engrossment?

Message From the House

Hall of the House of Representatives,
Austin, Texas,
April 25, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. 44, Inviting Honorable R. B. Anderson, Undersecretary of Defense, to address a Joint Session of the Texas Legislature.

S. C. R. 34, Granting the Austin Bridge Company permission to sue the State.

S. B. No. 166, A bill to be entitled

"An Act for the amendment of Subsection (b) of Section 8, Chapter 282, Senate Bill No. 82, Acts of the Regular Session, 41st Legislature, as amended by Chapter 174, Senate Bill No. 279, Acts of the Regular Session, 42nd Legislature, and by Chapter 148, Senate Bill No. 343 of the Acts of the Regular Session of the 45th Legislature, so that future oil and gas leases covering University lands shall provide (1) that they will be continued beyond their primary terms not only by production in paying quantities but also by other operations while conducted in good faith and a workmanlike manner, and (2) that, if at the expiration of the primary term there is located on the leased premises a well, or wells, capable of producing gas in paying quantities but such gas is not being produced for lack of a suitable market, and such lease is not otherwise being maintained, lessee may pay shut-in gas well royalty equal to double the annual rental provided for in such lease but not less than \$1,200 per annum per well capable of producing gas in paying quantities, and thereby extend the term of the lease for one year but that the lease may not be so extended in all more than three years, and that, if while a lease is being so maintained gas should be sold and delivered from a well situated within 1,000 feet of the lease premises and completed in the same reservoir or in any case where drainage is occurring, the right to extend the lease further by such shut-in payments shall cease but such lease shall continue effective for the remainder of the year for which a shut-in royalty had been theretofore paid for an additional period, not to exceed three years from the expiration of the primary term of the lease, by payment of compensatory royalty at the royalty rate provided in the lease on the value at the well of the production from the well which is situated within 1,000 feet of the leased premises and is completed in the same producing reservoir or is draining the leased premises, such compensatory royalty to be paid monthly, by the 20th of the month next succeeding the month in which the gas was produced and delivered, to the Commissioner of the General Land Office and in the event such compensatory royalty paid in any twelve month period aggregates less than would have accrued under the shut-in royalty provision for such period if

such provision had continued applicable the lessee shall pay the difference to said Commissioner of the General Land Office within thirty days from the end of such twelve month period; and so that existing oil and gas leases covering University lands shall, on application of the owner thereof and the payment of one year's annual rental, be amended to conform to the provisions of this Act and to provide that they shall also be continued beyond their primary terms by operations so conducted or payments so made; declaring the provisions severable; repealing all laws or parts of laws in conflict herewith and declaring an emergency."

(With amendments.)

S. B. No. 205, A bill to be entitled "An Act authorizing the State Highway Commission and the State Prison Board to enter into contracts for the construction and paving of roads in and around the Texas Prison System; providing that the requirements and procedures necessary for such contracts and payments therefor shall conform to the Interagency Cooperation Act; providing a repealing clause, but making this Act cumulative of all laws not directly in conflict; and declaring an emergency."

S. B. No. 235, A bill to be entitled "An Act to amend Section 26, Chapter 212, Acts of the 40th Legislature, 1927, and codified as Vernon's Civil Statute Article 6166y, to provide that upon the death, discharge or escape of a prisoner in the state penitentiary, who has money credited to his account, notice of such fact shall be given to him or to his beneficiary or nearest known relative; providing for payment of such upon valid claim; providing escheat to the state if the funds are not claimed; providing for severability; and declaring an emergency."

S. B. No. 206, A bill to be entitled "An Act amending Sections 1 and 2 of Chapter 166, General Laws of the 42nd Legislature, Regular Session, 1931, as amended (codified as Article 6203d in Vernon's Texas Civil Statutes), so as to authorize the Texas Prison Board to grant right-of-way easements for public highways, roads and streets, and stating terms upon which such easements may be granted; and declaring an emergency."

H. C. R. No. 56, Authorizing the

State Youth Development Council to grant right-of-way easement to the State Highway Commission of Texas.

H. C. R. No. 76, Authorizing the 36th Division Association to erect a monument on the Capitol grounds.

H. C. R. No. 96, Granting Shell Oil Company permission to sue the State.

H. C. R. No. 101, Designating a State Agency to obtain from the Federal Government by gifts and grants badly needed war surplus materials for use and benefit of public schools and institutions of higher learning.

H. C. R. No. 107, Congratulating the Acrobatic Unit and the Precision Drill Team of Fort Worth Police Dept.

H. C. R. No. 109, Suspending the Joint Rules for the purpose of considering H. B. No. 70.

The House has concurred in Senate amendments to House Bill No. 679 by vote of 126 ayes, 0 noes.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 202.

House appointed the following Conference Committee on S. B. No. 202: Berlin, Pipkin, Murphy, Kirklin, Dugas.

The House has granted the request of the Senate for the appointment of a conference committee on S. J. R. No. 1.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Senate Concurrent Resolution 26 on
Second Reading

The President Pro Tempore laid before the Senate as unfinished business S. C. R. No. 26 on its second reading (the resolution having been read the second time on Tuesday, April 19, 1955).

Question—Shall S. C. R. No. 26 be adopted?

Senator Aikin offered the following amendment to the resolution:

Amend S. C. R. No. 26 by adding the following to the resolving clause:

"Provided if a final judgment is obtained by the Independent Natural Gas Company all increases in rates obtained on the basis of taxes paid

under H. B. 285, Acts 52nd Legislature, shall be refunded in full to all those having paid such rate increase."

AIKIN
ASHLEY

The amendment was adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend S. C. R. No. 26 by adding a new "whereas" clause just before the resolving clause to read as follows:

"Whereas, The Attorney General of this State is requested to have the questions of law involved finally settled in the Supreme Court of Texas."

The amendment was adopted.

The resolution, as amended, was then adopted.

Record of Votes

Senators Hardeman and Martin asked to be recorded as voting "Nay" on the adoption of the above resolution.

Senate Resolution 273

Senator Roberts offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. Lyman Robinson, Don Robinson and Ronny Raney; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and the Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Roberts by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 274

Senator Wagonseller offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, the Seventh Grade of Pilot Point. They are accompanied by Mr. Charles Parton, Principal; Mrs. P. S. Bevers, teacher; and Mrs. Gerald Thompson, Mrs. Billie Walling and Mr. C. W. (Red) Tomlin; and

Whereas, We desire to welcome these distinguished guests to the Cap-

itol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Wagonseller by unanimous consent presented the students and the teachers and sponsors to the Members of the Senate.

Senate Resolution 275

Senator Moore offered the following resolution:

Whereas, We are honored today to have in the gallery the 6th Grade of the Hearne Elementary School accompanied by Mrs. M. E. Jones and Mrs. Myrtle Vanner; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Moore by unanimous consent presented the students and Mrs. Jones and Mrs. Vanner to the Members of the Senate.

Senate Resolution 276

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery 22 students of the Civics Class of Comfort High School, Comfort, Kendall County, Texas, accompanied by Hans E. Bergner; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the students and Mr. Bergner to the Members of the Senate.

House Bill 244 Ordered Not Printed

On motion of Senator Corbin, and by unanimous consent, H. B. No. 244 was ordered not printed.

Senate Concurrent Resolution 27 on Second Reading

Senator Hazlewood asked unanimous consent to suspend the regular order of business to take up S. C. R. No. 27 for consideration at this time.

There was objection.

Senator Hazlewood then moved to suspend the regular order of business to take up S. C. R. No. 27 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Aikin	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fuller	Rogers
Hazlewood	of Childress
Kazen	Secrest
Latimer	Shireman
McDonald	Strauss
Moffett	Wagonseller
Moore	Weinert
Owen	Willis

Nays—2

Hardeman	Rogers of Travis
Martin	

Absent

Kelley	Lane
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Absent—Excused

Ashley	Lock
Fly	

The President Pro Tempore laid before the Senate on its second reading the following resolution:

S. C. R. No. 27, Granting Wheeler Gas Company permission to sue the State.

The resolution was read second time.

Senator Hazlewood offered the following amendment to the resolution:

Amend S. C. R. No. 27, printed copy, by striking out all of the paragraph contained in Lines 12, 13 and 14, and inserting in lieu thereof the following:

"Whereas, Wheeler Natural Gas Company is a co-partnership, composed of Mr. and Mrs. H. M. Wiley, and others; and,"

The amendment was adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend S. C. R. No. 27 by adding a new resolving clause as follows:

"Resolved, That no interest shall be paid Wheeler Gas Co. in the event a final judgment is obtained by it for recovery of taxes paid under H. B. 285, 52nd Leg."

The amendment was adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend S. C. R. No. 27 by adding the following to the resolving clause:

"Provided if a final judgment is obtained by the Wheeler Gas Co. all increases in rates obtained on the basis of taxes paid under H. B. 285, Regular Session, 52nd Legislature, shall be refunded in full to all those having paid such rate increase."

The amendment was adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend S. C. R. 27 by adding a new "whereas" clause just before the resolving clause to read as follows:

"Whereas, The Attorney General of this State is requested to have the questions of law involved finally settled in the Supreme Court of Texas."

The amendment was adopted.

The resolution, as amended, was then adopted.

Record of Votes

Senators Hardeman and Martin asked to be recorded as voting "nay"

on the adoption of the above resolution.

Senate Concurrent Resolution 35 on Second Reading

Senator Hazlewood asked unanimous consent to suspend the regular order of business to take up S. C. R. No. 35 for consideration at this time.

There was objection.

Senator Hazlewood then moved to suspend the regular order of business to take up S. C. R. No. 35 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Aikin	Phillips
Bracewell	Ratliff
Colson	Roberts
Fuller	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
McDonald	Wagonseller
Moffett	Weinert
Owen	Willis
Parkhouse	

Nays—2

Hardeman	Martin
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Absent

Corbin	Moore
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Absent—Excused

Ashley	Lock
Fly	

The President Pro Tempore laid before the Senate on its second reading the following resolution:

S. C. R. No. 35, Granting Thomas L. Wade and/or Texas Gas & Power Corporation permission to sue the State.

The resolution was read second time.

Senator Hardeman offered the following amendment to the resolution:

Amend S. C. R. No. 35 by adding a new resolving clause as follows:

"Resolved, That no interest shall be paid Thomas L. Wade in the event a final judgment is obtained by it for

recovery of taxes paid under H. B. 285, 52nd Leg."

The amendment was adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend S. C. R. No. 35 by adding the following to the resolving clause:

"Provided if a final judgment is obtained by Thomas L. Wade all increases in rates obtained on the basis of taxes paid under H. B. 285, Regular Session, 52nd Legislature, shall be refunded in full to all those having paid such rate increase."

The amendment was adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend S. C. R. 35 by adding a new "whereas" clause just before the resolving clause to read as follows:

"Whereas, The Attorney General of this State is requested to have the questions of law involved finally settled in the Supreme Court of Texas."

The amendment was adopted.

The resolution, as amended, was then adopted.

Record of Votes

Senators Hardeman and Martin asked to be recorded as voting "nay" on the adoption of the above resolution.

(President in the Chair.)

Senate Resolution 277

Senator Rogers of Childress offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Mr. J. B. (Burl) Elliston of Hereford, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Rogers of Childress, by unanimous consent, presented Mr. Elliston to the Members of the Senate.

Senate Bill 119 on Second Reading

Senator Secrest asked unanimous

consent to suspend the regular order of business to take up S. B. No. 119 for consideration at this time.

There was objection.

Senator Secrest then moved to suspend the regular order of business to take up S. B. No. 119 for consideration at this time.

The motion prevailed by the following vote:

Yeas—17

Bracewell	Owen
Colson	Phillips
Corbin	Roberts
Fuller	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Lane	Secrest
Martin	Shireman
Moore	Willis

Nays—8

Aikin	McDonald
Hardeman	Parkhouse
Kelley	Ratliff
Latimer	Weinert

Absent

Moffett	Wagonseller
Strauss	

Absent—Excused

Ashley	Lock
Fly	

The President laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 119, A bill to be entitled "An Act relating to the equipment of rail track motor cars used or furnished by common carriers by railroad for transporting employees; providing for the extension of necessary time in which to equip said cars; and penalizing those carriers who operate or furnish for operation such unequipped cars to their employees for transportation to or from their places of labor."

The bill was read the second time and was passed to engrossment.

Motion to Place Senate Bill 119 on Third Reading

Senator Secrest moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that

Senate Bill No. 119 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of the Senate):

Yeas—19

Bracewell	Parkhouse
Colson	Phillips
Corbin	Roberts
Fuller	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Lane	Secrest
Martin	Shireman
Moore	Strauss
Owen	Willis

Nays—7

Aikin	Ratliff
Hardeman	Wagonseller
Kelley	Weinert
McDonald	

Absent

Latimer	Moffett
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Absent—Excused

Ashley	Lock
Fly	

**House Concurrent Resolution 17
Ordered Not Printed**

On motion of Senator Corbin and by unanimous consent, H. C. R. No. 17 was ordered not printed.

Senate Resolution 278

Senator Moore offered the following resolution:

Whereas, We are honored today to have in the gallery the Civics Class of the Snook High School, Burleson County, accompanied by Mr. Dalchan, their teacher; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Moore, by unanimous consent, presented the students and Mr. Dalchan to the Members of the Senate.

Senate Bill 52 on Second Reading

On motion of Senator Rogers of Travis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 52, A bill to be entitled "An Act relating to the sale or pre-arranged or prepaid funeral services or funeral merchandise to be delivered at an undetermined future date dependent upon the death of the contracting party, and handling of money collected under such contracts; placing the administration of the Act under the Secretary of State; prescribing certain offenses and fixing the penalty therefor; making an appropriation; and declaring an emergency."

The bill was read the second time.

Senator Rogers of Travis offered the following committee amendment to the bill:

Amend S. B. No. 52 by adding a new section between Sections 10 and 11 to be known as Section 10a, to read as follows:

"Section 10a. Nothing in this act shall alter or affect any provision of the Insurance Code of the State of Texas."

The committee amendment was adopted.

The bill, as amended, passed to engrossment.

Senate Bill 52 on Third Reading

Senator Rogers of Travis moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 52 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Corbin
Bracewell	Fuller

Hardeman	Ratliff
Hazlewood	Roberts
Kazen	Rogers
Kelley	of Childress
Lane	Rogers of Travis
Latimer	Secrest
McDonald	Shireman
Moore	Strauss
Owen	Wagonseller
Parkhouse	Weinert
Phillips	Willis

Absent

Colson	Moffett
Martin	

Absent—Excused

Ashley	Lock
Fly	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Addition to Conference Committee on Senate Bill 202

Senator Latimer asked unanimous consent that his name be withdrawn from the Conference Committee appointed on S. B. No. 202.

There was no objection offered.

The President then announced the appointment of Senator Phillips to replace Senator Latimer on the Conference Committee on S. B. No. 202.

Recess

On motion of Senator Hardeman, the Senate at 12:01 o'clock p. m. took recess until 2:00 o'clock p. m. today.

After Recess

The President called the Senate to order at 2:00 o'clock p. m. today.

Message From the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,
April 21, 1955.

To the Senate of the Fifty-fourth Legislature.

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Presiding Judge of the Fourth Administrative Judicial District: Judge Howard P. Green of Cuero, DeWitt County.

To be Presiding Judge of the First Administrative Judicial District: Judge W. L. Jack Thornton of Dallas, Dallas County.

To be Presiding Judge of the Eighth Administrative Judicial District: Judge Floyd Jones of Breckenridge, Stephens County.

To be a member of the Board of Barber Examiners for six-year term to expire May 19, 1961: E. E. Bryant of Paris, Lamar County.

To be members of the Battleship Texas Commission for six-year terms to expire May 26, 1961: Lloyd Gregory of Houston, Harris County; Joseph B. Hutchison of Houston, Harris County; L. H. (Hal) Bridges of Luling, Caldwell County.

To be members of the Credit Union Advisory Commission for terms to expire December 31, 1957: Harry Lee of Fort Worth, Tarrant County; R. C. Morgan of El Paso, El Paso County.

To be members of the Board of Directors, San Antonio River Authority, for six-year terms to expire May 5, 1961: Erwin E. Voigt of San Antonio, Bexar County; Frank T. Drought of San Antonio, Bexar County; John Weber of Goliad, Goliad County.

To be members of the Commission on Alcoholism for six-year terms to expire June 9, 1961: Jim Weymouth of Amarillo, Potter County; W. J. Barnes of Houston, Harris County.

To be members of the Burial Association Rate Board for six-year terms to expire June 12, 1961: C. C. Cate of Sweetwater, Nolan County; Dale Broussard of Beaumont, Jefferson County.

To be member of the Veterans Affairs Commission for six-year term to expire June 12, 1961: Marcus Weems of West Columbia, Brazoria County.

To be members of the State Board of Nurse Examiners for terms to expire April 9, 1961: Miss Frances McKenna of Waco, McLennan County; Sister Rose Francis of San Antonio, Bexar County.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

House Concurrent Resolutions on First Reading

The following resolutions, received from the House, were read first time and were referred to the committees indicated:

H. C. R. No. 96, To the Committee on Civil Jurisprudence.

H. C. R. No. 56, To the Committee on State Affairs.

H. C. R. No. 101, To the Committee on Civil Jurisprudence.

House Concurrent Resolution 107 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 107, Congratulating the Acrobatic Units and the Precision Drill Team of Fort Worth Police Dept.

The resolution was read the second time and was adopted.

House Concurrent Resolution 76 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 76, Authorizing the 36th Division Association to erect a monument on the Capitol grounds.

The resolution was read the second time.

On motion of Senator Aikin and by unanimous consent the resolution was considered immediately and was adopted.

House Concurrent Resolution 43 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 43, Recognizing the Eastern Orthodox Church as a major faith in Texas.

The resolution was read the second time and was adopted.

House Concurrent Resolution 75 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 75, Requesting the

Legislative Council to prepare a codification of the laws relating to navigation districts together with any recommended changes for submission to the Fifty-fifth Legislature.

The resolution was read the second time and was adopted.

Senate Bill 295 on Third Reading

On motion of Senator Owen and by unanimous consent, the President laid before the Senate on its third reading and final passage the following bill:

S. B. No. 295, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office for the State of Texas to sell Public Free School Land situated in El Paso County, Texas, to the City of El Paso, Texas."

The bill was read the third time and was passed.

Record of Votes

Senators Martin and Hardeman asked to be recorded as voting "Nay" on the final passage of S. B. No. 295.

Motion to Place Senate Bill 27 on Second Reading

Senator Moore asked unanimous consent to suspend the regular order of business and take up S. B. No. 27 for consideration at this time.

There was objection.

Senator Moore then moved to suspend the regular order of business and take up S. B. No. 27 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—15

Ashley	Phillips
Bracewell	Roberts
Hazlewood	Rogers of Travis
Martin	Secrest
McDonald	Shireman
Moffett	Wagonseller
Moore	Willis
Owen	

Nays—10

Aikin	Parkhouse
Corbin	Ratliff
Hardeman	Rogers
Kazen	of Childress
Kelley	Strauss
Lane	

Absent

Colson	Latimer
Fuller	Weinert

Absent—Excused

Fly	Lock
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Senate Resolution 279

Senator Owen offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. Lloyd Pyle of El Paso, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate, and that a copy of this resolution properly endorsed be forwarded to said visitors.

OWEN
WILLIS

The resolution was read and was adopted.

Senator Owen, by unanimous consent, presented Mr. and Mrs. Pyle to the Members of the Senate.

Senate Bill 166 with House Amendments

Senator Ashley called S. B. No. 166 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Ashley moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Resolution 280

Senator Wagonseller offered the following resolution:

Whereas, We are honored to have in the Senate today, Miss Ellen Fowlkes, of Richmond, Virginia; and

Whereas, Miss Fowlkes is an outstanding citizen of Virginia; now, therefore, be it

Resolved, by the Senate of Texas, That she be officially welcomed, and be extended the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Wagonseller, by unanimous consent, presented Miss Fowlkes to the Members of the Senate.

Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following resolutions:

H. C. R. No. 35, Granting the El Paso Natural Gas Company permission to bring suit against the State of Texas.

H. C. R. No. 93, Suspending the Joint Rules so that either House may take up and consider House Bill No. 685 at any time.

Senate Resolution 281

Senator Strauss offered the following resolution:

Whereas, Senate Bill No. 240 was introduced in the Senate on February 22, 1955, and was referred to the Committee on Insurance; and

Whereas, The original bill has been lost or misplaced; and

Whereas, On April 20, 1955, a committee substitute for the original bill was adopted by the Committee on Insurance and the committee voted that said bill as substituted be passed and was ordered printed as substituted; now, therefore, be it

Resolved, by the Senate, That the chairman of said committee be authorized to substitute a duplicate copy of said original bill, together with all endorsements the same as if it were the original bill.

The resolution was read.

On motion of Senator Strauss, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Bill 360 on Second Reading

The President laid before the Senate as unfinished business on its second reading S. B. No. 360 (the bill having been read second time on Tuesday, April 19, 1955) with an amendment by Senator Wagonseller pending.

Question—Shall the amendment by Senator Wagonseller to S. B. No. 360 be adopted?

The amendment by Senator Wagon-

seller failed of adoption by the following vote:

Yeas—7

Aikin
Ashley
Kelley
Lane

Roberts
Rogers
of Childress
Wagonseller

Nays—18

Bracewell
Corbin
Fuller
Hardeman
Hazlewood
Kazen
Martin
McDonald
Moore

Owen
Parkhouse
Phillips
Ratliff
Rogers of Travis
Secrest
Shireman
Strauss
Willis

Absent

Colson
Latimer

Moffett
Weinert

Absent—Excused

Fly

Lock

Senator Willis offered the following amendment to the bill:

Amend Senate Bill No. 360 by striking out all below the enacting clause and insert in lieu thereof the following:

"Section 1. Section 1 of Senate Bill 79, Acts of the 52nd Legislature, Regular Session, 1951, Chapter 386, Page 669, is amended to read as follows:

"Section 1. From and after August 31, 1955:

"(a) The Justices of the Supreme Court of the State of Texas and the Judges and the Commissioners of the Court of Criminal Appeals shall each be paid an annual salary of Twenty Thousand Dollars (\$20,000);

"(b) The Justices of the several Courts of Civil Appeals of the State of Texas shall each be paid an annual salary of Fifteen Thousand Dollars (\$15,000);

"(c) The Judges of the several District Courts of the State of Texas and of the Criminal District Courts of this State shall each be paid an annual salary of Ten Thousand Dollars (\$10,000);

"(d) The salaries of all of the Justices and Judges in this section shall be paid in equal monthly installments."

Sec. 2. The provisions of this Act shall not be construed as repealing

any law authorizing supplemental salaries for any member of the judiciary which are paid by any county in this State.

Sec. 3. If any provision of this Act be held unconstitutional or invalid, such invalidity shall not affect the remaining provisions of this Act.

Sec. 4. The fact that there has been a great increase in the cost of living, and in the wages and earnings of most groups, trades and professions in Texas, since the salaries of the respective Justices and Judges hereinabove named were last fixed; and the fact that the dignity and position of said Justices and Judges, who are members of the independent judicial department of the State government as provided in the Constitution, cannot be properly maintained under existing conditions; and the fact that in many other States more adequate compensation is fixed and paid to those holding similar positions, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage and it is so enacted.

The amendment failed of adoption by the following vote:

Yeas—11

Aikin	Roberts
Ashley	Rogers
Bracewell	of Childress
Kelley	Secrest
Lane	Wagonseller
Martin	Willis

Nays—14

Corbin	Owen
Fuller	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff
Kazen	Rogers of Travis
McDonald	Shireman
Moore	Strauss

Absent

Colson	Moffett
Latimer	Weinert

Absent—Excused

Fly	Lock
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Senator Kelley offered the following amendment to the bill:

Amend S. B. 360 by adding a new

section to be properly numbered as follows:

"From and after Aug. 31, 1955, the Justices of the various Courts of Civil Appeals of the State of Texas shall each be paid an annual salary of Fifteen Thousand (\$15,000.00) Dollars, paid in equal monthly instalments."

The amendment failed of adoption by the following vote:

Yeas—11

Aikin	Owen
Ashley	Parkhouse
Bracewell	Roberts
Kelley	Wagonseller
Lane	Willis
Martin	

Nays—15

Corbin	Phillips
Fuller	Ratliff
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Latimer	Secrest
McDonald	Shireman
Moore	Strauss

Absent

Colson	Weinert
Moffett	

Absent—Excused

Fly	Lock
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Senator Shireman offered the following amendment to the bill:

Amend Senate Bill No. 360 by adding a new section to be known as Section 3 and to renumber succeeding sections, which shall read as follows:

"Sec. 3. Nothing in this Act shall be construed to entitle the Justices of the Supreme Court of the State of Texas and the Judges and the Commissioners of the Court of Criminal Appeals who may have retired or may hereinafter retire to have his or her retirement benefits calculated upon the basis of any increase in salary provided by Section 1 of this Act, but such retirement benefits shall be calculated on the basis of the salary in effect immediately prior to the effective date of this Act."

The amendment was read.

Senator Kazen raised the point of order that the amendment offered by Senator Shireman is not germane in that it seeks to change by amendment

a general law on a subject different from that of the bill under consideration.

The President sustained the point of order.

The bill was passed to engrossment.

Senate Bill 360 on Third Reading

Senator Kazen moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 360 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Ashley	Moore
Bracewell	Owen
Corbin	Parkhouse
Fuller	Phillips
Hardeman	Ratliff
Hazlewood	Roberts
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Martin	Wagonseller
McDonald	Willis

Nays—2

Aikin	Rogers of Childress
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Absent

Colson	Weinert
Moffett	

Absent—Excused

Fly	Lock
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Vote Reconsidered on Concurrence in House Amendments to Senate Bill 166

Senator Ashley asked unanimous consent to reconsider the vote by which the Senate concurred in House amendments to S. B. No. 166.

There was no objection offered.

Senator Ashley then moved to concur in House amendments to S. B. No. 166.

The motion prevailed by the following vote:

Yeas—25

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Corbin	Ratliff
Fuller	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
McDonald	Strauss
Moffett	Wagonseller
Moore	Willis

Nays—1

Martin

Absent

Colson	Weinert
Hardeman	

Absent—Excused

Fly	Lock
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Senate Bill 173 on Second Reading

The President laid before the Senate as pending business on its second reading S. B. No. 173 (the bill having been read the second time this morning).

Question—Shall S. B. No. 173 be passed to engrossment?

Senator Owen offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 173 by striking out all below the enacting clause and substituting in lieu therefor the following:

Section 1. The Special District Court of Midland County created by the provisions of Senate Bill 49, Acts of the 53rd Legislature, First Called Session, 1954, Chapter 55, is hereby established and created as a permanent district court the limits of which shall be co-extensive with the limits of Midland County, the District Court of which shall be known as the 142nd District Court. Such Court shall have the jurisdiction provided by the Constitution and Laws of this State for district courts.

Sec. 2. The Judge of the present Special District Court of Midland County shall serve as judge of the 142nd District Court, and shall hold office until the time for which he was elected expires and until his successor qualifies. The first regular four-year term of office of the Judge of the 142nd District Court shall commence

on the first day of January of 1957. The compensation of such Judge shall be the same as the compensation paid to the judges of other district courts, including the expenses as provided by the Laws of Texas and the compensation herein provided for shall be paid in the same manner in which other district judges in the State are paid.

Sec. 3. Senate Bill 49, Acts of the 53rd Legislature, First Called Session, 1954, Chapter 55, is amended so as hereafter to read as follows:

"Section 1. The District Court of the 142nd Judicial District of Midland County shall have the jurisdiction provided by the Constitution and Laws of this State for district courts.

"Sec. 2. The 70th District Court shall exercise jurisdiction in Ector County only. The Judge of the 70th District Court shall have authority and power to approve any and all statements of facts and bills of exception, and to make any other order necessary in cases tried in the 70th District Court in Midland County and appealed.

"Sec. 3. The terms of the 142nd District Court shall begin on the first Monday in March and on the first Monday in September, and each term of court may continue until the date herein fixed for the beginning of the next succeeding term therein.

"Sec. 4. The terms of the 70th District Court in Ector County shall begin on the first Monday in March and the first Monday in September; and each term of court may continue until the date herein fixed for the beginning of the next succeeding term therein; provided, however, that the term of the district court which is in progress on September 1, 1954, may continue until the beginning of a new term as fixed herein.

"Sec. 5. The Judge of the 142nd District Court shall appoint an official shorthand reporter, who shall be compensated as provided by law. The District Clerk of Midland County shall be the clerk of the 142nd District Court of Midland County.

"Sec. 6. The office of District Attorney of the 142nd Judicial District is hereby established and made permanent. The present District Attorney shall serve as District Attorney for the 142nd Judicial District and shall hold office until the time for which he was elected expires and until his successor qualifies. He shall possess the qualifications and receive the compensation provided by law for district attorneys, and his compensation shall

be paid in the same manner in which other district attorneys are paid.

"Sec. 7. The District Attorney of the 70th Judicial District shall perform the duties of his office in Ector County, only.

"Sec. 8. The territorial limits of the 70th Judicial District shall hereinafter be composed of Ector County and the Judge and District Attorney of the 70th Judicial District shall hereafter be elected by the voters of Ector County, provided, however, that the present Judge and present District Attorney of the 70th Judicial District shall continue in office for the expiration of their present terms."

Sec. 4. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of conflict only; as to all other laws or parts of laws this Act shall be cumulative, it being the purpose of this Act to make the Special District Court of Midland County, created by the provisions of Senate Bill 49, Acts of the 53rd Legislature, First Called Session, 1954, Chapter 55, a permanent district court at the expiration of the said Special District Court of Midland County, and all laws heretofore applicable to the Special District Court of Midland County shall hereafter be applicable to the 142nd District Court.

Sec. 5. All appropriations for the payment of the salaries and expenses of the Judge and District Attorney of the Special District Court of Midland County shall be available for payment of the salaries and expenses of the Judge and District Attorney of the 142nd District Court.

Sec. 6. If any provision of this Act or the application thereof to any person or circumstances is held invalid such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to the end the provisions of this Act are declared to be severable.

Sec. 7. The immediate need for an additional District Court in Midland County at the expiration of the Special District Court of Midland County and the fact that the Special District Court of Midland County should be made a permanent district court creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

On motion of Senator Owen, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 173 on Third Reading

Senator Owen moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 173 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Bracewell	Parkhouse
Corbin	Phillips
Fuller	Ratliff
Hazlewood	Roberts
Kazen	Rogers
Kelley	of Childress
Lane	Rogers of Travis
Latimer	Secrest
McDonald	Strauss
Moffett	Wagonseller
Moore	Willis
Owen	

Nays—4

Aikin	Martin
Hardeman	Shireman

Absent

Ashley	Weinert
Colson	

Absent—Excused

Fly	Lock
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Hardeman and Shireman asked to be recorded as voting "nay" on the final passage of S. B. No. 173.

Senate Bill 290 on Second Reading

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 290, A bill to be entitled "An Act amending Chapter 470, Acts of the Regular Session of the 45th Legislature, as heretofore amended, pertaining to the Teacher Retirement System of Texas; prescribing the conditions upon which this Act shall become effective as a law; declaring the Act to be severable; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend Senate Bill No. 290, Art. One, Section I, subsection 18 by inserting following the word "person" and preceding the word "while" the following:

"in World War I and/or"

AIKIN
MOFFETT

The amendment was adopted.

Senator Aikin offered the following committee amendment to the bill:

Amend Article One, Section IX, Subsection 1 of S. B. No. 290, by striking out after the words "Retirement System," the words "six per cent (6%) of his annual compensation for service rendered on and subsequent to such date," and insert in lieu thereof the following:

"... five per cent (5%) of his annual compensation for service rendered between September 1, 1955, and September 1, 1957, and six per cent (6%) of his annual compensation for service rendered on and subsequent to September 1, 1957."

The committee amendment was adopted.

Senator Aikin offered the following committee amendment to the bill:

Amend Subsection 1, Section X, Article One of S. B. 290, by striking out paragraphs (a) and (b) thereof and substituting in lieu thereof the following:

"(a) The Teacher Savings Fund shall be a fund in which shall be accumulated the regular percentage contributions heretofore made, or which hereafter are made from the compensation of members as required by this Act, together with interest earnings allowable on such deposits hereunder. Contributions to and payments from the Teacher Savings Fund shall be made as follows:

"(b) Each employer on each of its payrolls shall cause to be deducted from the salary of each member, five per cent (5%) of his earnable compensation for each payroll period prior to September 1, 1957, and six per cent (6%) of his earnable compensation for each payroll period thereafter; provided that the sum of the deductions made during any one year shall not exceed five per cent (5%) of the member's annual compensation, or One Hundred Eighty Dollars (\$180.00), whichever is the lesser, for any year ending on or before August 31, 1957, nor more than six per cent (6%) of his annual compensation, or Five Hundred Four Dollars (\$504.00), whichever is the lesser, for any year ending after September 1, 1957. In determining the amount earnable by a member within a payroll period, the State Board of Trustees may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such period, and it may omit deduction from compensation for any period less than a full payroll period if the person was not a member on the first day of such period, and to facilitate the making of deductions, it may modify the deduction required of any member by such an amount as shall not exceed one-tenth (1/10) of such one per centum (1%) of the annual compensation upon the basis of which such deduction is to be made."

The committee amendment was adopted.

Senator Rogers of Travis offered the following amendment to the bill:

Amend S. B. 290, line 10, page 20 of the printed bill by adding "or Panama Canal Zone," after the comma following the word "Columbia."

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend Section V, Subsection 3(a) of S. B. 290 by striking out "sixty" appearing in line 47, following the word "attaining," and substituting therefor "sixty-five."

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend Section V, Subsection 3(b) of S. B. 290 by striking out the word

"sixty" appearing in line 56, following the word "attaining," and substituting therefor "sixty-five."

The amendment was adopted.

On motion of Senator Aikin, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 290 on Third Reading

Senator Aikin moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 290 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Martin	Wagonseller
McDonald	Willis

Absent

Moore	Weinert
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Absent—Excused

Fly	Lock
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

(President Pro Tempore in Chair.)

Conference Committee Report on House Bill 270

Senator Parkhouse submitted the following Conference Committee report on H. B. No. 270:

Austin, Texas,
April 20, 1955.

The Hon. Ben Ramsey, President of the Senate.

The Hon. Jim Lindsey, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill 270, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

ROBERTS
AIKIN
PARKHOUSE
KELLEY
HARDEMAN

On the part of the Senate.

BERGMAN
COX of Montgomery
SAYERS
BRYAN
KING

On the part of the House.

H. B. No. 270:

**A BILL
TO BE ENTITLED**

"An Act amending Article 2767, Revised Civil Statutes of Texas, 1925, as amended by Chapter 294, Acts, 1927, Fortieth Legislature, Regular Session, so as to require more signers to the petition and approval by the Board of Trustees before an election for abolishment can be called limiting the number of elections which may be held within a twelve-month period involving certain changes in status of an independent school district; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article 2767, Revised Civil Statutes of Texas, 1925, as amended by Chapter 294, Acts, 1927, Fortieth Legislature, Regular Session, be amended so as to be and read, as follows:

"Article 2767. Any independent school district incorporated for free school purposes under the laws of Texas, may be abolished in the manner herein provided;

"The County Judge of any county in which any independent school district or part thereof is situated, upon presentation of a petition in writing signed by ten per cent (10%) of the qualified voters residing in such independent school district shall order an election for such purpose, on a day therein stated, and at a place within

said independent school district and within the county in which said county court is situated, therein designated. He shall appoint an officer to preside at the election, who shall select two (2) judges and two (2) clerks to assist in holding it. After previous notice of ten (10) days by posting advertisements thereof at three (3) public places within such independent school district, the election shall be held in the manner prescribed by law for holding general elections, except as is herein provided.

"All persons who are legally qualified voters of the State and of the county in which such independent school district or part thereof is situated, and who have resided within said independent school district for at least six (6) months next preceding, shall be entitled to vote at such election.

"The officers holding such election shall make return thereof to the county judge within ten (10) days after the same is held. If a majority of such voters, voting at such election, shall vote to abolish such independent school district, the county judge shall declare such independent school district abolished and shall enter an order to that effect upon the minutes of the Commissioners Court, and from the date of such order, said independent school district shall cease to exist."

Sec. 2. Within any twelve-month period not more than one election shall be held involving a change in an independent district by abolishment of an existing independent district or by creation of an independent district out of territory formerly comprising an independent district which has been abolished within the preceding twelve months.

Sec. 3. The fact that existing law authorizes the abolishment of independent school districts which have unpaid and undischarged obligations and bonded indebtedness which results in confusion, leaving uncertain the status of such bonds and obligations, and raises threats of default and repudiation of such obligations and bonds, creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and said rule is hereby suspended, and this Act shall take effect and be in force on and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—25

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Martin	Strauss
Moffett	Wagonseller
Moore	Willis

Nays—1

Lane

Absent

Fuller	Weinert
McDonald	

Absent—Excused

Fly	Lock
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Senate Concurrent Resolution 48 on First Reading

Senator Hazlewood, by unanimous consent, moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Martin	Wagonseller
McDonald	Willis
Moffett	

Absent

Weinert

Absent—Excused

Fly	Lock
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The following resolution was then introduced, read first time and referred to the committee indicated:

By Senator Hazlewood:

S. C. R. No. 48, Granting Mrs. Margaret A. Connally permission to sue the State of Texas.

Whereas, It is alleged by Mrs. Margaret A. Connally, surviving wife of Tom F. Connally, that State Highway Department of the State of Texas, acting by and through its duly authorized agents by the construction of a farm-to-market road along the south edge of Section 127, Block 3T, Moore County, Texas, caused the northwest quarter and east half of Section 127, Block 3T, Moore County, Texas, belonging to Mrs. Margaret A. Connally to be damaged by flood waters; now, therefore, be it

Resolved, by the Senate, the House concurring, That Mrs. Margaret A. Connally be and she is hereby granted permission to bring suit against the State of Texas, the State Highway Commission, the State Highway Department, and the State Engineer in any court of competent jurisdiction in Moore County, Texas, for the purpose of determining the liability, if any, of the State of Texas, and damages, if any, accruing therefrom. Service of citation or other necessary process may be had on the Chairman of the State Highway Commission of the State of Texas and the Attorney General of Texas, and the same shall have the same force and effect as made and provided in civil cases; provided that the adoption of this resolution by the Legislature shall not be construed as an admission of liability of the State of Texas and the facts alleged must be proved as in other cases; and that each party to said suit shall have the rights of appeal and it is so resolved.

To the Committee on Civil Jurisprudence.

Senate Bill 303 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 303, A bill to be entitled "An Act amending Subsection G of Section 5 of H. B. 168, Chapter 352, Acts of the 50th Legislature, Regular

Session, 1947, as amended, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 303 on Third Reading

Senator Parkhouse moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 303 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Phillips
Ashley	Ratliff
Corbin	Roberts
Hardeman	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Secrest
Martin	Shireman
McDonald	Strauss
Moffett	Wagonseller
Moore	Willis
Parkhouse	

Absent

Bracewell	Lane
Colson	Owen
Fuller	Weinert
Hazlewood	

Absent—Excused

Fly	Lock
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 54 on Second Reading

On motion of Senator Wagonseller and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 54, A bill to be entitled "An Act amending Article 6820, Revised Civil Statutes of Texas of 1925, as amended in 1949 by the Fifty-first Legislature, increasing the expense allowance of District Judges and District Attorneys under certain conditions; repealing all laws in conflict and providing a severability clause; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 54 on Third Reading

Senator Wagonseller moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 54 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Corbin	Ratliff
Hardeman	Roberts
Kazen	Rogers
Kelley	of Childress
Lane	Rogers of Travis
Latimer	Secrest
Martin	Strauss
McDonald	Wagonseller
Moffett	Willis
Moore	

Nays—1

Shireman

Absent

Colson	Hazlewood
Fuller	Weinert

Absent—Excused

Fly	Lock
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 359 on Second Reading

On motion of Senator Corbin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 359, A bill to be entitled "An Act relating to the construction, acquisition and equipment of buildings and other structures and additions to buildings and other structures by the Board of Regents of the University of Texas, the Board of Directors of the Texas Agricultural and Mechanical College System, the Board of Directors of Texas Technological College, the Board of Regents of the State Teachers Colleges, the Board of Re-

gents of the Texas State College for Women, the Board of Directors of the College of Arts and Industries, the Board of Regents of North Texas State College, the Board of Regents of Texas Southern University and the Board of Regents of Lamar State College of Technology; providing for the fixing of fees for the use thereof and other revenue producing buildings, structures and other property; providing for the issuance of negotiable bonds and notes for the construction or acquisition of buildings and structures and additions to buildings and structures and the acquisition of land therefor; providing for securing such bonds and notes by irrevocably pledging the fees, charges and revenues from buildings and structures and additions to existing buildings and structures and the revenues from any other revenue producing buildings, structures and other properties, and making provisions for assuring the adequacy of such pledged income; containing a severability clause; enacting other provisions related to the subject; and declaring an emergency."

The bill was read the second time.

Senator Corbin offered the following committee amendment to the bill:

No. 1. Amend Senate Bill No. 359 by striking out all of the bill after the enacting clause and substituting in lieu thereof the following:

Section 1. The Board of Regents of the University of Texas, the Board of Directors of the Texas Agricultural and Mechanical College System, the Board of Directors of Texas Technological College, the Board of Regents of the State Teachers Colleges, the Board of Regents of the Texas State College for Women, the Board of Directors of the College of Arts and Industries, the Board of Regents of North Texas State College, the Board of Regents of Texas Southern University and the Board of Regents of Lamar State College of Technology are hereby severally authorized and empowered, each for its respective institution or institutions, to construct, acquire, improve and equip on behalf of such institution including branch institutions under the control or management of said governing body, buildings and other structures and additions to existing buildings and other structures and acquire land for said additions, buildings and other structures if deemed appropriate by said governing body. Said construction, improvement, equipping and

acquisition may be accomplished in whole or in part with proceeds of loans obtained from any private or public source. The said governing boards are also severally authorized to enter into contracts with municipalities and school districts for the joint construction of said facilities.

Section 2. The buildings and structures and additions to buildings and structures constructed or improved pursuant to this authority together with the equipment therein shall be of types and for purposes which the authorizing governing board shall deem appropriate and shall deem to be for the good of the institution, provided such governing board shall approve the total cost, type and plans and specifications of such construction, improvement and equipment.

Section 3. Any such governing board is authorized to fix fees and charges to be charged students and other persons for the use of any building or structure, or addition to any building or structure authorized to be constructed or improved hereunder, or for the use of any other revenue producing building, structure, facility or other property of said institution. The fees and charges authorized herein shall be in amounts deemed to be reasonable by such governing board, taking into consideration the cost of providing the facilities, the use to be made of them and the advantages to be derived therefrom by the users thereof and by the institution.

Section 4. Any such governing board is authorized and empowered to issue its bonds and notes from time to time and in such amounts as it shall consider necessary or appropriate for the construction, improvement or acquisition of buildings or structures or additions to buildings or structures, the equipment therefor, or the acquisition of land herein authorized. All such bonds and notes shall be fully negotiable and may be made redeemable before maturity, at the option of such governing board, at such price or prices and under such terms and conditions as may be fixed by the board prior to the issuance of the bonds or notes. Such governing board may sell such bonds in such manner, either at public or at private sale, and for such price, as it may determine to be for the best interests of the board and the institution, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at

more than six (6%) per centum per annum, computed with relation to the absolute maturity of the bonds or notes in accordance with standard tables of bond values, excluding however, from such computation the amount of any premium to be paid on redemption of any bonds or notes prior to maturity.

Section 5. Any such governing board is authorized and empowered to irrevocably pledge the fees, charges and revenues from the buildings and structures and the additions to the existing buildings and structures authorized to be constructed, improved or equipped herein and to pledge the revenues from any other revenue producing buildings, structures, facilities and other properties to the payment of the interest on and the principal of bonds or notes authorized to be issued hereunder, and to enter into such agreements regarding the imposition of sufficient fees, charges and other revenues and the collection, pledge and disposition of same as it may deem appropriate.

Section 6. The bonds and notes authorized to be issued hereunder shall be special obligations of the governing board issuing same and shall be payable solely from a pledge of the fees, charges and other revenues authorized hereunder, and none of the bonds or notes authorized to be issued hereunder shall be an indebtedness of the State of Texas.

Section 7. Any pledge of fees, charges and revenues made under the terms of this Act shall be subject to any previous pledge thereof, but the existence of any such previous pledge shall not prevent the making of the subsequent and inferior pledge, unless such action is prohibited under the resolution or resolutions authorizing the prior obligations.

Section 8. Subject to the restrictions contained in this Act each such governing board is given complete discretion in fixing the form, conditions and details of such bonds and notes, and such bonds and notes may be refunded or otherwise refinanced, whenever said governing board deems such action to be appropriate or necessary. Each such governing board is authorized and empowered to enter into agreements relating to the maintenance of a maximum percentage of occupancy of dormitories and the maximum use of other properties, the revenues from which are pledged pursuant to this authority.

Section 9. Prior to delivery thereof,

all bonds and notes authorized to be issued hereunder and the records relating to their issuance shall be submitted to the Attorney General of Texas for examination and if he finds that they have been issued in accordance with the Constitution and this Act, and that they will be binding special obligations of the governing board authorizing their issuance, he shall approve them, and thereupon they shall be registered by the Comptroller of Public Accounts of the State of Texas, and after such approval and registration they shall be incontestable.

Section 10. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Section 11. This Act shall not repeal any statute now in effect but shall be cumulative of all other statutes pertaining to any of the institutions affected by this Act, and shall not modify or abridge any powers now held by any said institutions to control or pledge its funds, provided however, that to the extent that the provisions of this Act may be in conflict with the provisions of any other law, including Chapter 176, Acts of the Regular Session of the 53rd Legislature (Vernon's Article 2632d) the provisions of this Act shall take precedence and prevail.

Section 12. The fact that the governing boards of the institutions of higher learning of this State are in urgent need of the authority conferred by this Act so that they can proceed with needed construction and improvement at said institutions, creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in the House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted.

Senator Corbin offered the following committee amendment to the bill:

Amend Senate Bill 359 by striking out the last sentence in Section 1.

The committee amendment was adopted.

Senator Corbin offered the following committee amendment to the bill:

Amend Senate Bill 359, as amended, by adding a proviso clause to Section 3, at the end thereof, which clause shall read as follows:

"provided further that no fee shall ever be collected hereunder for the use of classrooms."

The committee amendment was adopted.

Senator Corbin offered the following committee amendment to the bill:

Amend Senate Bill 359 by adding the following at the end of Section 2:

"and provided further that nothing herein shall be construed as applying to classroom buildings."

The committee amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend C. S. S. B. 359, Sec. 2, at the end thereof a new sentence as follows:

"Provided, however, that such buildings and structures and additions to buildings and structures shall not be constructed or equipped for use by fraternities or sororities or private social clubs."

The amendment was adopted.

Senator Phillips offered the following amendment to the bill:

Amend Sec. 2 by adding at the end of said section the following:

No mandatory charge shall ever be assessed against any student under the provisions of this bill without his voluntary consent to pay such charge.

The amendment was read.

Question—Shall the amendment by Senator Phillips to S. B. No. 359 be adopted?

Recess

Senator Hardeman moved that the Senate stand adjourned until 10:00 o'clock a. m. tomorrow.

Senator Corbin moved that the Senate stand recessed until 10:00 o'clock a. m. tomorrow.

Question first on the motion by Senator Hardeman to adjourn until 10:00 o'clock a. m. tomorrow, the motion was lost by the following vote:

Yeas—8

Bracewell	Phillips
Hardeman	Secrest
McDonald	Strauss
Moffett	Wagonseller

Nays—15

Aikin	Parkhouse
Colson	Ratliff
Corbin	Roberts
Kazen	Rogers
Kelley	of Childress
Latimer	Rogers of Travis
Martin	Shireman
Moore	Willis

Absent

Ashley	Lane
Fuller	Owen
Hazlewood	Weinert

Absent—Excused

Fly	Lock
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Question next on the motion by Senator Corbin to recess until 10:00 o'clock a. m. tomorrow, the motion prevailed by the following vote:

Yeas—15

Bracewell	Moore
Corbin	Owen
Hardeman	Phillips
Kazen	Ratliff
Latimer	Roberts
Martin	Secrest
McDonald	Wagonseller
Moffett	

Nays—10

Aikin	Rogers
Ashley	of Childress
Colson	Rogers of Travis
Kelley	Shireman
Parkhouse	Strauss
	Willis

Absent

Fuller	Lane
Hazlewood	Weinert

Absent—Excused

Fly	Lock
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Accordingly, the Senate at 4:18 o'clock p. m. took recess until 10:00 o'clock a. m. tomorrow.

In Memory of
John Genaro

Senator Parkhouse offered the following resolution:

(Senate Resolution 270)

Whereas, God in His Infinite wisdom did call to his final rest Mr. John Genaro on August 17, 1954; and

Whereas, Mr. Genaro, born in Corleone, Italy, Nov. 11, 1899, came to this country when a small boy with his family, who settled in Bryan. He later moved to Dallas where he lived for almost fifty years; and

Whereas, Mr. Genaro was president of the Genaro Investment Company and the Hotel Lawrence Company, a director of the First National Bank in Dallas, a director of the Dallas Title and Guaranty Company, and a director of the American Savings Loan Company, a member of the Dallas Citizens Council, a member of the Board of Directors of the Dallas Community Chest, and was noted for his active work in the Red Cross and Boy Scouts and many other community programs. He was on the budget committee of the Community Chest, a 32nd degree Mason and a member of the Scofield Memorial Church; and

Whereas, Mr. Genaro was very active in community affairs and noted for his quiet generosity, and along with Mr. Charles Bifano, gave a big Thanksgiving dinner to the boys at the Dunne's Memorial Home; and

Whereas, It is the desire of the Senate of Texas to recognize and pay tribute to the memory of this outstanding Texan and to express sympathy to his mother, his wife, his two daughters, and to the other members of his bereaved family; now, therefore, be it

Resolved, By the Senate of Texas, that the loss of this esteemed citizen and leader in civic and community affairs is a loss to the City of Dallas, and to the entire State; and that a copy of this resolution be sent to the members of his family as a token of our sympathy; and be it further

Resolved, That when the Senate adjourns today, it do so in respect to the memory of Mr. John Genaro.

The resolution was read and was adopted by a rising vote of the Senate.